

## Michigan Department of Education/Office of Career and Technical Preparation

**WORK-BASED LEARNING (WBL) OPPORTUNITIES CHART**

An Overview of the Major Types and Related Legal/Liability Compliance Factors

(Prepared as a working document, information in this chart is a general description only and does not carry the force of legal opinion. Applicable to Michigan only.)

Major Work-Based Learning Opportunities						
A. Program Description Factors	Student/Visitor	Volunteer	Work-Based Learning Non-CTE Programs (Paid and Unpaid*)	Work-Based Learning State -Approved CTE Programs (Paid and Unpaid*)	**In-District/In-School Placements (Unpaid*)	Minor Employee with Work Permit (Not WBL)
<b>Program Types</b> (Note: Local districts may call different types of work-based learning by different names. This is a local determination and an acceptable practice).	<ul style="list-style-type: none"> <li>- field trip</li> <li>- career exploration</li> <li>- job shadowing</li> <li>- day on-the-job</li> <li>- work-site project</li> </ul>	<ul style="list-style-type: none"> <li>- service learning</li> <li>- community service</li> <li>- service clubs</li> <li>- youth groups</li> </ul>	<ul style="list-style-type: none"> <li>-- Paid or unpaid work-based learning experiences (these can include apprenticeships)</li> <li>-- Work-Based Learning Experiences for Pupils with Disabilities</li> <li>-- **In-District Placement/Transitions</li> </ul>	<ul style="list-style-type: none"> <li>-- Paid or Capstone Work-Based Learning Experience State-Approved CTE Programs (these can include apprenticeships)</li> <li>-- Unpaid Work-Based Learning Experience State-Approved CTE Programs</li> <li>-- **In-District Unpaid Work-Based Learning Experiences State-Approved CTE Programs</li> <li>-- Unpaid Training State-Approved CTE Less-Than-Class-Size (LTCS) Programs</li> </ul>	<ul style="list-style-type: none"> <li>-- 1. In-District Placement/Transitions</li> <li>-- 2. In-District Unpaid Work-Based Learning Experiences State-Approved CTE Programs</li> </ul>	<ul style="list-style-type: none"> <li>- Part-time work</li> <li>- Full-time work</li> <li>- Summer job</li> <li>- Volunteer work</li> </ul>
<b>Key Components</b>	<ul style="list-style-type: none"> <li>- school sponsored</li> <li>- guidelines established</li> <li>- no work performed</li> </ul>	<ul style="list-style-type: none"> <li>- non-profits ONLY</li> <li>- can't be required</li> <li>- agency has operating guidelines</li> <li>- work permit on file at work-site</li> <li>- complies with state And federal child labor provisions</li> </ul>	<ul style="list-style-type: none"> <li>-- Students in grades 9-12</li> <li>-- Training Agreement</li> <li>-- Training Plan listing performance elements/job skills (PE/JS)</li> <li>-- Refer to Pupil Accounting Manual for other requirements</li> </ul>	<ul style="list-style-type: none"> <li>-- Students in grades 11-12</li> <li>-- Training Agreement</li> <li>-- Training Plan listing performance elements/job skills (PE/JS)</li> <li>-- Refer to Pupil Accounting Manual for other requirements</li> </ul>	In-District Agreement Training Plan/PE – JS 1, Placement must relate to student transition plan (copy of plan required)  2. Placement be for a student from a state-approved CTE program (PSN number required)	<ul style="list-style-type: none"> <li>- work permit on file at work-site before working</li> <li>- work permit issued by schools</li> <li>- complies with child labor provisions</li> </ul>

Major Work-Based Learning Opportunities						
B. Legal and Compliance Factors	Student/Visitor	Volunteer	Work-Based Learning Non-CTE Programs	Work-Based Learning State - Approved CTE Programs	*In-District/In-School Placements	Minor Employee with Work Permit (Not WBL)
<b>Documentation</b>	<ul style="list-style-type: none"> <li>- parent permission</li> <li>- roles/responsibilities detailed appropriate to site</li> <li>- activities detailed</li> <li>- work-site monitored by school</li> <li>- safety orientation</li> </ul>	<ul style="list-style-type: none"> <li>- program guidelines</li> <li>- roles/responsibilities detailed appropriate to site</li> <li>- activities detailed</li> <li>- safety orientation</li> </ul>	<ul style="list-style-type: none"> <li>- work-site visited prior and during</li> <li>- student monitored at work by school</li> <li>- work-site mentor assigned to student</li> <li>- student progress is assessed in skill attainment, work ethics, and attendance</li> <li>- training agreement and training plan (must be filed at work-site prior to placement)</li> <li>- safety instruction is documented</li> </ul>	<ul style="list-style-type: none"> <li>- work-site visited prior and during</li> <li>- student monitored at work by school</li> <li>- work-site mentor assigned to student</li> <li>- student progress is assessed in skill attainment, work ethics, and attendance</li> <li>- training agreement and training plan (must be filed at work-site prior to placement)</li> <li>- safety instruction is documented</li> </ul>	<ul style="list-style-type: none"> <li>- work-site visited prior and during</li> <li>- student monitored at work by school</li> <li>- work-site mentor assigned to student</li> <li>- student progress is assessed in skill attainment, work ethics, and attendance</li> <li>- training agreement and training plan (must be filed at work-site prior to placement)</li> <li>- safety instruction is documented</li> </ul>	<ul style="list-style-type: none"> <li>- original work permit on file at work-site:</li> <li><i>CA-6 for youth 14 and 15 years old</i></li> <li><i>CA-7 for youth 16 and 17 years old</i></li> <li>- copy of work permit on file at school</li> <li>- other appropriate documentation on file for minors working under exemptions</li> </ul>
<b>Injury to Participant</b>	<ul style="list-style-type: none"> <li>- parent health insurance may apply (medical only) - district may provide or make available short-term student accident insurance (medical only)</li> <li>- work-site general liability insurance should apply</li> </ul>	sponsoring organization's workers' compensation coverage and/or general liability policy should apply	<ul style="list-style-type: none"> <li>- responsibility of the individual, parent and school (Usually the party responsible for the direct supervision and receiving the benefit)</li> <li>- work-site general liability insurance may apply</li> <li>- work-site workers' compensation coverage if student is determined to be "working"</li> </ul>	work-site workers' compensation coverage	work-site workers' compensation coverage	work-site workers' compensation coverage
<b>Injury to Others Resulting From Participant's Role</b>	<ul style="list-style-type: none"> <li>- work-site general liability insurance</li> <li>- district general liability insurance may apply</li> </ul>	<ul style="list-style-type: none"> <li>- work-site general liability insurance</li> <li>- district general liability insurance may apply</li> </ul>	<ul style="list-style-type: none"> <li>- work-site general liability insurance</li> <li>- district general liability insurance may apply</li> </ul>	<ul style="list-style-type: none"> <li>- work-site general liability insurance</li> <li>- district general liability insurance may apply</li> </ul>	<ul style="list-style-type: none"> <li>- work-site general liability insurance</li> <li>- district general liability insurance may apply</li> </ul>	work-site general liability insurance

<b>B. Legal and Compliance Factors Cont.</b>	<b>Student/Visitor</b>	<b>Volunteer</b>	<b>Work-Based Learning Non-CTE Programs</b>	<b>Work-Based Learning State - Approved CTE Programs</b>	<b>*In-District/In-School Placements</b>	<b>Minor Employee with Work Permit (Not WBL)</b>
<b>Hours Worked</b>	N/A, participant not working	- restricted by state child labor provisions	- restricted by both state and federal child labor provisions - districts should have local policy mirroring state standards concerning hrs for 16 & 17 year olds	- restricted by federal child labor provisions, - districts should have local policy mirroring state standards concerning hrs for 16 & 17 year olds	- restricted by federal child labor provisions, - districts should have local policy mirroring state standards concerning hrs for 16 & 17 year olds	restricted by state and federal child labor provisions, exemptions for 16 & 17 year olds
<b>Hazardous Occupations</b>	N/A, no employee status, school operating policies should conform with acceptable practices	yes, school or agency operating guidelines must conform with state and federal child labor provisions	Not allowed	Certain exemptions can be applied if granted but only in limited areas - 16 & 17 year olds	Not allowed	Not allowed
<b>Occupational Safety or Health Hazard</b>	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards
<b>Safety Training</b>	yes, essential, both prior and during	yes, essential, both prior and during	yes, essential, both prior and during	yes, essential, both prior and during	yes, essential, both prior and during	yes, essential; employer's responsibility
<b>Applicability of Unemployment Insurance</b>	N/A, no employee status	N/A, no employee status	N/A, no employee status	time during training agreement is exempt	time during training agreement is exempt	paid by employer
<b>Applicability of Workers' Comp. and General Liability Insurance</b>	N/A, participants not working	coverage needed; liability under Act determined on a case-by-case basis	Employer coverage required.	Employer coverage required.	Covered by school	coverage needed; typically extended by employer
<b>Pupil Accounting (State Aid Membership)</b>	experience must be documented if considered part of the instructional program	experience must be documented if considered part of the instructional program	-can be released no more than 1/2 of students' FTE	-can be released no more than 1/2 of students' FTE	-can be released no more than 1/2 of students' FTE	part-time employment hours cannot count toward membership

C. Age Factors	Major Work-Based Learning Opportunities					
	Student/Visitor	Volunteer	Work-Based Learning Non-CTE Programs	Work-Based Learning State - Approved CTE Programs	*In-District/In-School Placements	Minor Employee with Work Permit (Not WBL)
<b>Under 14</b>	yes	yes; restricted to district and agency guidelines with child labor law provisions	no	no	no	Some exemptions under the Youth Employment Standards Act (YESA)
<b>14 and 15</b>	yes	yes	yes	No	1) yes 2) no	yes, limited hours and work
<b>16 and 17</b>	yes	yes	yes	yes, limited hours and work, some flexibility under certain conditions	yes, limited hours and work, some flexibility under certain conditions	yes, limited hours and work, some exemptions allowed
<b>18 and Over; Still in High School</b>	yes	yes	yes, limited by local program policies	yes, limited by local program policies	yes, limited by local program policies	no

**\*\*For unpaid work-based learning experience, specific, unduplicated skills that the pupil will be learning need to be listed for each 45 hours of placement**

**\*\*Unpaid Trainees must meet the 6 federal criteria for trainee as listed below:**

- 1- progressive training
- 2- benefit of trainee
- 3- no displacement
- 4- no direct benefits to employer
- 5- no job entitlement
- 6- no wage entitlement